

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN DEPARTMENT
OF TRANSPORTATION,

Plaintiff,

v.

Case No. 10-13767
Honorable Patrick J. Duggan

DETROIT INTERNATIONAL BRIDGE CO.,
and SAFECO INSURANCE CO. OF AM.

Defendants,

ORDER (1) DENYING WITHOUT PREJUDICE DETROIT INTERNATIONAL
BRIDGE COMPANY'S MOTION REQUESTING THE COURT TO CONSIDER
WHETHER THIS CASE MUST BE REASSIGNED AND/OR CONSOLIDATED WITH
OTHER CASES AND (2) DENYING REQUEST FOR IMMEDIATE HEARING ON
THIS MOTION

On September 21, 2010, Defendant Detroit International Bridge Company ("DIBC") again removed this action from state court after this Court previously remanded the matter on August 17, 2010 in Case No. 10-12234. Plaintiff Michigan Department of Transportation ("MDOT") has filed an emergency motion to remand, to which the Court is awaiting a response from DIBC. On October 5, 2010, DIBC filed a motion seeking an immediate hearing to determine whether this case should be reassigned as a companion matter to another judge pursuant to Eastern District of Michigan Local Rule 83.11(b)(7) or consolidated pursuant to Federal Rule of Civil Procedure 42(a) with the following cases pending in this District: *The Mason & Dixon Lines, Inc. v. Steudle, et al.*, Case No. 10-12285 (Lawson, J.) (filed June 9, 2010); *Superior Global Logistics LLC v. Mich.*

Department of Transportation, et al., No. 10-13747 (Cook, J.) (filed Sept. 20, 2010).¹

It appears to this Court that DIBC is seeking immediate consolidation of the actions to avoid a remand of the present matter. The question this Court first must resolve, however, is whether the present action has been properly removed. If it has no place in federal court, this cannot be cured by consolidating it with an action that raises a federal question or is otherwise properly filed in federal court. For this reason, the Court sees no immediacy with respect to whether the various actions should be reassigned and/or consolidated. At least this Court will not resolve that issue until it has addressed MDOT's motion to remand.²

Accordingly,

IT IS ORDERED, that Detroit International Bridge Company's motion requesting the Court to consider whether this case must be reassigned and/or consolidated with other cases is **DENIED WITHOUT PREJUDICE**;

IT IS FURTHER ORDERED, that Detroit International Bridge Company's motion for immediate hearing on this motion is **DENIED**.

DATE: October 5, 2010

s/Patrick J. Duggan

United States District Judge

Copies to:
Counsel of Record

¹DIBC is not a party in the case assigned to Judge Lawson but has filed a motion for reassignment and/or consolidation in that case. Motion, *The Mason and Dixon Lines, Inc. v. Steudle*, No. 10-12285 (E.D. Mich. Oct. 5, 2010) (Doc. 68).

²Notably, while DIBC lists Judge Cook's and Judge Lawson's cases as possible companion matters, it overlooks the *first* action— the previous removal of this case that was assigned to *this* judge.